

Serial No. 10/810,526

**Drawing Amendments**

There are no amendments to the drawings.

Serial No. 10/810,526

### **Remarks**

the Office Action of 06/16/2008 rejected claims 12-15, 34-37, 56, and 60, under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0198461 of D.J. Coombes (hereafter referred to as Coombes). In addition, the Office Action rejected claims 16-18, 20, 22, 38-40, 42, and 44, under 35 U.S.C. §103 (a) as unpatentable over Coombes in view of U.S. Patent Application Publication No. 2002/0142756 of J.D. Rutledge, et al. (hereafter referred to as Rutledge). Claims 12, 34, and 56 are being amended. No claims are being canceled.

### **Rejection of Claims 12-15, before, 37, 56, and 60, under 35 U.S.C. §102(e) over Coombes**

Amended claim 12 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called wireless handset, comprising the steps of:

answering the incoming call by the wireless handset in response to a predefined amount of movement in a physical location of the wireless handset as detected by the wireless handset when the telecommunication terminal is not engaged in another call with the predefined amount of movement occurring after the incoming call is received by the wireless handset; muting an audio path of the answered call from communication with the user; and transmitting a message that is selected by the user to the calling party.

The rejection of amended claim 12 is respectfully traversed. Amended claim 12 recites in part "answering the

Serial No. 10/810,526

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incoming call by the wireless handset in response to a predefined amount of movement in a physical location of the wireless handset as detected by the wireless handset...with the predefined amount of movement occurring after the incoming call is received by the wireless handset." Coombes does not disclose or suggest the answering of an incoming call upon a predefined amount of movement in the physical location of the wireless handset being detected by the wireless handset after the incoming call is received.

The Office Action states "that Coombes teaches 'answering the incoming call by a wireless handset in response to a predefined amount of movement in a physical location of the wireless handset as detected by the wireless handset when the telecommunication terminal is not engaged in another call' (Paragraph [0016] teach answering the incoming call when the user is speaking at a meeting and cannot simply stop to the answerer. That is at a meeting is a physical location of the wireless handset as detected by the wireless handset when the terminal is not engaged in another call, this method is also taught in paragraph [0002], lines 8-13])." Applicant agrees with the Office Action that "at a meeting" is a physical location of the wireless handset but finds no disclosure in either Paragraph [0002] or Paragraph [0016] that the wireless handset detects the physical location of the meeting. Further, the paragraphs cited by the Office Action do not disclose or suggest that the wireless handset is responding to a predefined amount of

Serial No. 10/810,526

movement in a physical location of the wireless handset that occurs after the incoming call is received which is clearly being recited in amended claim 12. Applicant respectfully requests that the Examiner point out where such a disclosure or suggestion maybe found.

Applicant respectfully submits that amended claim 12 is patentable under 35 U.S.C. §102(e) over the cited reference.

Dependent claims 13-15 are directly or indirectly dependent on amended claim 12 and are patentable for at least the same reasons as amended claim 12.

Amended claim 34 and dependent claims 35-37 are patentable for the same reasons as amended claim 12 and dependent claims 13-15.

Amended claim 56 is patentable for the same reasons as amended claim 12.

Claim 60 is patentable for the same reasons as amended claim 12.

Rejection of Claims 16-18, 20, 22, 38-40, 42, and 44, under 35 U.S.C. §103(a) over Coombes in view of Rutledge

Claims 16-18, 20, and 22, are directly or indirectly dependent on amended claim 12. Amended claim 12 is patentable under 35 U.S.C. §103 (a) over Coombes in view of Rutledge since Rutledge was only cited as disclosing the steps of receiving a time specifying the delay and inserting the time into a predefined message. Applicant respectfully submits that

Serial No. 10/810,526

claims 16-18, 20, and 22, are patentable for at least the same reasons as amended claim 12.

In addition, applicant respectfully submits that claims 38-40, 42, and 44, which are directly or indirectly dependent on amended claim 34 are patentable for at least the same reasons as amended claim 34 which is patentable for the same reasons as amended claim 12.


Summary

In view of the foregoing, applicant respectfully requests consideration of claims 12, 34, and 56, as amended, reconsideration of claims 13-22, 35-44, 57, and 60, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,

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Serial No. 10/810,526

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